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Constitution and Canons



Diocese of
Western North Carolina

1923

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Constitution and Canons

*Including Certain Changes of the Constitution
Proposed at the Convention of 1923
and of the Canons as Amended
and Approved by the
said Convention*

of the

Diocese of Western North Carolina

*Together with Certain Canons of the General
Convention and the Rules of
Order of the Diocese*

Published by Order of the
Convention
1923

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CONSTITUTION
of the
Protestant Episcopal Church
in the
Diocese of Western North Carolina
Including Changes Proposed in the
Convention of 1923

ARTICLE I.

THE DIOCESE

The Diocese of Western North Carolina embraces territorially the counties of Alleghany, Wilkes, Alexander, Catawba, Lincoln, and Gaston, in the State of North Carolina and all that portion of the State lying west thereof; and, as a constituent part of the Protestant Episcopal Church in the United States of America, it accedes to and adopts the Constitution and Canons of that Church and acknowledges their authority accordingly.

ARTICLE II.

THE CONVENTION

The Convention of the Diocese consists as follows:

(a) Of the Bishop of the Diocese, when there is one.

(b) Of every clergyman, not under discipline, who shall have been for six months, next preceding the Convention, canonically resident in the Diocese, and in charge of, or employed as assistant minister in, any Parish in canonical union with the Diocese, or employed as a missionary, or in any other clerical, social service, or educational work, under the Ecclesiastical Authority of the Diocese, or serving as a Chaplain in the Army or Navy, or who having been engaged in the discharge of any of the foregoing duties,

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shall have been disabled from continuing in the same by reason of advanced years or infirm health.

(c) Of any officers of the Diocese, who may be constituted *ex-officio* members of the Convention by constitution or canonical provision.

(d) Of lay delegates from the Parishes in canonical union with the Diocese, and from the Organized Missions in the Diocese.

Each of the said Parishes shall be entitled to three delegates in the Convention, and each of said Organized Missions shall be entitled to one delegate in the Convention.

The lay delegates shall be communicants in the Parish or Mission, which they represent, and they shall be chosen in such manner as may be prescribed by Canon.

ARTICLE III.

ANNUAL AND SPECIAL CONVENTIONS

SECTION 1. A Convention of the Church in this Diocese shall meet annually at such time and place as may have been determined by the next preceding Convention, or in case of no such determination, at such time and place as may have been designated by the Ecclesiastical Authority of the Diocese, but the time or place of such meeting may be changed, or Special Conventions may be called by the Ecclesiastical Authority of the Diocese, subject to such provision as may be prescribed by Canon.

SECTION 2. Printed notice of the meeting of the Convention shall be mailed at least thirty days before the time appointed, to every clergyman canonically resident in the Diocese and to the Clerk of the Vestry in each Parish in canonical union with the Diocese, and to the Clerk of each Mission in the Diocese. In case of a special Convention, the notice shall specify the purpose for which the same is called, and no business not strictly pertaining to that purpose shall be transacted by said Convention.

SECTION 3. The Ecclesiastical Authority shall appoint and order the opening service, and all other religious services of the Convention, subject, in the absence of the Bishop, to modification by the Convention itself.

SECTION 4. The Bishop of the Diocese shall have a seat and vote in the Convention, and shall be its presiding officer.

If the Bishop of the Diocese be not in attendance upon the Convention, a President *pro tempore* shall be elected from among the clerical members of the Convention.

SECTION 5. The presence of fifteen of the clergy entitled to seats in the Convention, and of a representation from one-half of all the Parishes entitled to be represented in the Convention, shall be necessary to constitute a quorum for the transaction of business,

provided, however, that any less number shall have power to meet to receive reports, and to adjourn.

ARTICLE IV

OFFICERS OF THE DIOCESE

The Convention shall elect annually, a Secretary, a Treasurer, and one member of a Board of five Trustees of the Diocese to serve for five years. It shall elect triennially, a Registrar of the Diocese, four clerical and four lay deputies to the General Convention, with four provisional clerical and four provisional lay deputies to the same, and an Ecclesiastical Court to consist of five Presbyters of the Diocese.

The foregoing officers shall respectively perform the duties which, by canon or general usage, may be prescribed for them; and each shall continue in office until his successor is chosen; and any vacancies among the foregoing officers, arising during the recess of the Convention, may be filled by appointment of the Ecclesiastical Authority of the Diocese. Vacancies continuing until the time of an Annual Convention shall be filled by the same.

ARTICLE V

MODE OF VOTING AND ELECTIONS

The Clergy and lay delegates shall deliberate in one body, and vote as such in all elections. All elections shall be by ballot.

A vote by orders upon the decision of any question may be called for by five members; and in such case the concurrence of a majority of the votes in each order shall be necessary for an affirmative vote.

ARTICLE VI

ELECTION TO THE EPISCOPATE

The election of a Bishop shall be made in an Annual Convention, or in a Special Convention called for that purpose at least sixty days before the time appointed, the object being stated by notice in writing, and sent to every clergyman and vestry of the Diocese.

The election shall be by orders, and a concurrence of a majority of both orders present and voting shall be necessary to determine the choice, provided that two-thirds of all the clergy entitled to vote, and the lay delegates from two-thirds of all the parishes and congregations entitled to representation, be present; otherwise, two-thirds of the votes of each order present shall be necessary to a choice.

ARTICLE VII

THE STANDING COMMITTEE

SECTION 1. The Standing Committee of the Diocese consisting of four Presbyters of the Diocese and four laymen, who shall be actual communicants of the Church in the Diocese, shall be elected at every regular meeting of the Convention for the purpose expressed in the Constitution and Canons of the General and Diocesan Conventions, and shall continue in office until another committee is elected.

SECTION 2. At their first meeting after the appointment they shall choose one of the Presbyters of their body to be their President, and another of their body to be their Secretary, whose duty it shall be to keep regular minutes of all the proceedings and business of the committee, to preserve them carefully recorded in a book prepared for that purpose alone, to preserve the originals of all letters and papers addressed to the Standing Committee, to attest their public acts, to perform such other duties as they may require, and faithfully to deliver into the hands of his successors all books and papers relative to the concerns of the Standing Committee which may have been entrusted to him.

SECTION 3. When there is no Bishop, the Standing Committee shall be the Ecclesiastical Authority of the Diocese.

SECTION 4. They shall present to each Annual Convention an abstract of the minutes of their proceedings since the previous Convention.

SECTION 5. Vacancies in this Committee, caused by death, resignation, or otherwise, shall be filled by the suffrage of the remaining members, a majority of the whole Committee being necessary to constitute a choice.

ARTICLE VIII

THE CHANCELLOR

The Bishop shall nominate, and the Convention shall elect, a person learned in the law, Chancellor of the Diocese, to advise regarding any question of law which may arise in the administration of the Diocese affairs, who shall be entitled *ex officio* to a seat and vote in all Conventions, except when the vote is by orders. The Chancellor must be a communicant and resident in the Diocese. His term of office shall be three years, and until his successor is elected.

ARTICLE IX

SUSPENSION OF PARISHES OR MISSIONS

Any Parish or Mission may be suspended from the right of lay representation in the Convention by a vote of two-thirds of

each order, whenever the same shall be deemed conducive to the interests of the Church; or its connection with the Diocese may be wholly dissolved by canonical process.

ARTICLE X

AMENDMENT OF CONSTITUTION

The mode of altering this Constitution shall be as follows:

Every proposition for amendment shall be made in writing, at a regular Convention, and being read, shall be referred to the Committee on Canons, which shall report the same to the next Annual Convention, with their recommendation, and if two-thirds of the two orders voting separately shall then approve of said proposition, either in its original form, or in the form recommended by said Committee, the Constitution shall be changed accordingly.

CANONS

As Amended and Approved by the Convention
of 1923

CANON I

THE LIST OF MINISTERS

SECTION 1. Within one week before the meeting of every Convention of this Diocese, the Bishop shall cause to be prepared a list of the Ministers canonically resident in the Diocese, annexing the names of their respective cures, or parishes, or stations as Missionaries, or of the institutions of learning in which they are engaged; and in regard to such as are not engaged in parishes, or missions, or institutions of learning as above, their places of residence only, specifying, at the same time, who of any class are Deacons; but no Clergyman, while suspended from the Ministry, shall have a place on such list; and the list shall be laid before the Convention immediately after it shall have been called to order, and the names of the Clerical members called therefrom. The same shall be appended to the Journal, and sent to the Secretary of the General Convention.

SECTION 2. When the right of any Clergyman to a seat in the Convention is disputed, it shall be determined according to the provisions of the second article of the Constitution, by the Convention itself, whether his name be inserted in the list aforesaid or be omitted.

CANON II

ATTENDANCE OF CLERICAL AND LAY DELEGATES ON CONVENTION

It shall be the duty of all Clergymen entitled to seats in the Convention to attend same, and of each Parish in union with the Convention to send one or more Lay Delegates to the Convention, not exceeding three, elected by the Vestry, at least ten days before

the meeting of any Convention from among the male communicants of said Parish, and of each organized Mission to send one delegate appointed by the Minister-in-charge from among the male communicants of the Mission; and the Clerk of the Parish or Mission shall, at least five days before the meeting of any Convention, send to the Secretary of the Convention, for delegates elected or appointed as aforesaid, a certificate as follows:

"This is to certify that N. N., communicants in good standing
"of ----- Church or Mission were duly appointed Lay
"Delegates to represent the same in the Convention of the Protestant Episcopal Church in the Diocese of Western North Carolina,
"to be held on the ----- day of -----, in the year of our
"Lord -----; and that the quarterly dues to the Contingent
"Fund of the Diocese are either fully paid, or application has been
"made for relief in accordance with the Canon."

This certificate shall be signed by the Rector or Minister-in-charge, and Clerk. The Secretary of the Convention shall make a list of the names of Delegates thus certified to him, to be used by him at the organization of the Convention.

CANON III

THE SECRETARY

It shall be the duty of the Secretary to take minutes and record all proceedings of the Convention; to attest its public acts, preserve its records, notify the Parishes of the times and places of meeting of all stated and special Conventions, giving thirty days' notice, and faithfully to deliver to his successor all books and papers belonging to the Convention which may be in his charge. In giving notice of the meeting of the Annual Convention, he shall send a form of parochial report, and of certificate by which the appointment of Lay Delegates is to be certified. If the Parish or Mission be vacant, this notice shall be sent to the Clerk.

CANON IV

THE TREASURER

SECTION 1. The Treasurer of the Diocese shall receive from the Treasurers of the Parishes, or from others duly authorized for the purpose, all funds that shall be raised and appropriated for the general work of the Church outside of the Diocese; and shall forward regularly to the Treasurer of the National Council; or to such other officer as shall be duly authorized for the purpose, all sums raised and designated for the general work of the Church outside of the Diocese.

He shall receive all sums raised and designated, or appropriated to the Diocese, for the maintenance and extension of mission-

ary, educational, social, and other work, within the Diocese, authorized by the Convention, or by the National Council, to an amount or amounts not to exceed the budget of the Council fixed by the Convention.

He shall prepare and render to the Executive Council an annual account of all sums received for the above named purposes, and the amounts forwarded by him to the National Council. Such accounting to be incorporated in the annual report of the Executive Council to the Convention.

SECTION 2. He shall receive and disburse all sums raised for the purpose of covering the expenses and obligations of the Convention as provided in the budget adopted by the Convention at its annual meeting, and shall render annually an account thereof.

SECTION 3. The Treasurer of the Diocese shall *ex-officio* be entitled to a seat in the Convention, and to a voice in the discussion of all financial questions. He shall be *ex-officio* a member of the Executive Council.

SECTION 4. The Treasurer is authorized and empowered, with the approval of the Bishop, to appoint such assistants as may be necessary for the orderly and convenient discharge of the duties of his office. He is authorized to employ all necessary help. Provision shall be made in the budget of the Convention for the reasonable and necessary expenses of his office.

SECTION 5. Before entering upon the discharge of his duties, the Treasurer shall file with the Trustees of the Diocese a bond, executed to them on behalf of the Diocese by some reliable guarantee company, in the sum of five thousand dollars (\$5,000) for the faithful performance of duty, the cost of which shall be paid by the Diocese; and all moneys, under the charge of the Treasurer, belonging to the Diocese, shall be kept on deposit in the name of the Diocese, subject to the order of the Treasurer of the Diocese, with such banking institution as may be approved by the Trustees.

CANON V

THE REGISTRAR

It shall be the duty of the Registrar to gather and preserve all such journals, files, papers, reports, catalogues, and other documents as may be useful for reference, or furnish materials for the history of the Church in the Diocese of Western North Carolina, and to hold the same under such regulations and restrictions as the Convention may from time to time prescribe.

CANON VI

THE TRUSTEES

SECTION 1. A Board of five Trustees of the Diocese, to hold office five years, shall be elected by the Convention, who shall hold

all property of the Missions of the Diocese, and of such Parishes as desire to have their property held in trust by the Board, and who shall have the care of funds, such as those derived from extinct Parishes, and who shall have care of funds for the support of the Episcopate, and of all such as may by gift or devise for any special purpose become the property of the Diocese.

SECTION 2. At the first election of Trustees of the Diocese under this Canon, the whole number shall be chosen; but the term of one (to be designated by the Board) shall expire each year, so that every year after the first, one Trustee shall be elected, and vacancies shall be filled for unexpired terms.

SECTION 3. The Board of Trustees shall elect a Treasurer, who shall perform the duties usually pertaining to that office. Before entering upon the discharge of his duties, said Treasurer shall file with the Trustees a satisfactory bond, executed to them on behalf of the Diocese by some reliable guarantee company, in the sum of five thousand dollars, for the faithful performance of duty, the cost of which bond shall be paid by the Diocese. The Board of Trustees shall also appoint a Secretary, who, if not a member of the Board, shall have a seat, but not a vote, at its meetings.

SECTION 4. The Bishop shall be *ex-officio* a member of the Board of Trustees, and, if present, shall preside at all meetings of the Board. The Bishop or any two trustees may call meetings of the Board.

CANON VII

DEPUTIES TO THE GENERAL CONVENTION, AND PROVINCIAL SYNOD

SECTION 1. At every Annual Convention next preceding a meeting of the General Convention, four Presbyters and four Laymen, communicants of this Church and residents in the Diocese, shall be chosen by ballot to represent this Diocese in General Convention. Immediately afterwards, four other Presbyters and four other Laymen shall also be chosen by ballot, as substitutes for the first chosen. Such representatives and substitutes to serve until their successors are appointed.

SECTION 2. At the Annual Convention preceding any meeting of the Synod of the Province of Sewanee, the Conventoin shall elect six Clerical and six Lay Deputies to represent the Diocese in the Synod, and also a like number of alternate deputies of each order. Such representatives and substitutes to serve until their successors are appointed.

SECTION 3. In case any deputy of those first chosen shall decline such appointment, or be unable to attend, he shall forthwith inform the Ecclesiastical Authority of the Diocese, and the said

Ecclesiastical Authority shall thereupon summon to the General Convention or Synod, one of the substitutes, in the order in which their names are on the Journal, which order shall be the order of their election; or when two or more are elected at one balloting, shall be determined by the aggregate vote received.

CANON VIII

THE CONTINGENT OR DIOCESAN EXPENSE FUND

SECTION 1. Following each Annual Convention an assessment shall be made promptly by the Council upon the several Parishes and Missions in the Diocese, according to the several abilities of the Parishes and Missions, of an amount sufficient to satisfy the pecuniary obligations of the Convention, embracing all contingent or Diocesan expenses.

SECTION 2. It shall be the duty of the Vestry of each Parish, and of the officers of each Mission, to provide for the collection and payment of such sums as shall be assessed by the Convention as aforesaid; and the same shall be transmitted in quarterly installments to the Treasurer of the Diocese.

SECTION 3. The contingent expensees of the Diocese shall include the following items:

1. Convention requirement for assessment upon Parishes and Missions for support of the Episcopate.
2. Publishing of Journal of Convention, and such other documents as may be ordered by the Convention.
3. The salary of the Secretary of the Diocese.
4. The salary of the Treasurer of the Diocese.
5. Appropriation towards the expenses of the Clerical Deputies to the General Convention and Provincial Synod.
6. The necessary expenses of Trustees, Examining Chaplains, Standing Committee, Secretary, Treasurer, Registrar, and other authorized charges.

CANON IX

NEW PARISHES

SECTION 1. In order to the formation of a new Parish, the written consent of the Ecclesiastical Authority of the Diocese must first be obtained, and such consent shall not be granted until evidence is given of the ability of the Parish, after organization, to pay a salary of at least \$700 per annum to a Rector.

SECTION 2. For the organization of a Parish, the following Article of Association must be signed by at least twenty persons who intend to be supporters of the Parish: "We, the undersigned, do associate ourselves together for the purpose of maintaining the

worship of God, and the preaching of the Gospel, according to the doctrine, discipline, and worship of the Protestant Episcopal Church in the United States of America, under the name of the Parish of----- Church, in the town ----- and county of -----, and State of North Carolina, and promise conformity to the Constitution and Canon of the General Convention and of the Diocese of Western North Carolina.

SECTION 3. After twenty persons have signed the Articles of Association, a meeting of the same may be called on ten days' notice. At this meeting Vestrymen shall be elected, a name for the Parish adopted, and such other steps taken as are necessary for the incorporation of the Parish under the laws of the State. The minutes of the meeting shall be recorded in a book to be kept as a record of the proceedings of the Vestry and Parish meetings, in which shall be recorded the Articles of Association.

SECTION 4. A certified copy of the Articles of Association, and a copy of the minutes of the meeting for organizing the Parish, shall be sent to the Bishop without delay, together with notice that the Parish will apply for admission into union with the Convention. At a subsequent Convention this applicant shall be made, and for this purpose certified copies of the aforesaid papers shall be presented.

SECTION 5. Any Parish which shall deem its rights encroached upon, or its prosperity, or usefulness endangered by the proposed location in its vicinity of a Church or Chapel of another Parish, may present the matter of the threatened intrusion to the Bishop of the Diocese, and ask his fatherly interposition in its behalf. In such case the Bishop may call for, and appoint the time and place of, a conference from the Parishes in interest. But, if such conference, with the godly advice of the Bishop, shall not result in an amicable adjustment of the differences between the parties thereto, the Bishop, or either party in the conflict, may lay the matter at issue before the Standing Committee of the Diocese, and the decision of the Standing Committee, with the approval of the Bishop, shall be final.

CANON X

THE VESTRY

SECTION 1. In every Parish in the Diocese, annually, on the second Monday in January, at an hour of which public notice shall have been given, after prayer, there shall be held a Parish meeting for the election of a Vestry to consist of not fewer than five nor more than fifteen members, who shall continue in office until their successors are chosen. The Rector of the Parish, if present, shall

preside at Parish meetings. In his absence, the order of priority for the presiding officer shall be *ex-officio*:

1. The Senior Warden.
2. The Junior Warden.
3. The Secretary of the Vestry.

Should none of the foregoing officers be present, the Parish Meeting may elect one of its members to preside.

SECTION 2. Should fewer than eighteen persons qualified to vote for Vestrymen attend the Parish Meeting, and should the Rector and one Warden, or the presiding officer and one-sixth of those present, concur in believing that the best interest of the Parish demands the postponement of an election, then such presiding officer shall declare the election postponed, and the Parish Meeting shall adjourn to a designated day and hour, not fewer than seven nor more than fourteen days after said second Monday in January; and public notice having been given of such adjourned meeting, it shall possess the powers and be subject to the rules of a regular Parish Meeting.

SECTION 3. With the consent of the Bishop and the Standing Committee of the Diocese, Parishes, which cannot hold a Parish Meeting at the time specified in Section 1 of this Canon, may hold their Annual Parish Meeting for the election of a Vestry at a more convenient time of the year. Public notice of the time and place of such meeting must be given at least fourteen days before the meeting is to be held.

SECTION 4. The Vestry shall, upon nomination of the Rector, elect two of its members, one as Senior Warden and the other as Junior Warden.

SECTION 5. The Vestry shall elect a Secretary, whose duty it shall be to take and record the minutes of their proceedings, attest the public acts of the Vestry, preserve all records and papers belonging to the Parish, not otherwise provided for, perform such other duties as shall be legally assigned to him, and faithfully deliver to his successor all books and documents in his possession belonging to the Parish.

SECTION 6. A Treasurer shall also be elected, to receive, disburse and account for the funds of the Parish.

SECTION 7. In electing a Vestry, no person shall be allowed to vote who is not at the time an adherent of the Protestant Episcopal Church and at least twenty-one years of age, and who has not for at least six months immediately preceding such election, by a subscription or otherwise, contributed regularly to the support of the Parish; nor shall any person vote in a Parish who is not a *bona fide* member of the same.

SECTION 8. To be eligible as a Vestryman, one must be a layman, and to be a Warden, one must be a communicant.

SECTION 9. It shall be the duty of the Vestry to take charge of the property of the church, to regulate all its temporal concerns, to elect and call a minister in accordance with the provisions of Canon 10, and provide for his maintenance, to provide for paying all lawful assessments on the Parish, to keep order in the church during divine service, and, in general to act as helpers to the minister in whatever is appropriate to laymen, for the furtherance of the Gospel; it being understood, always, that the spiritual concerns of the church are under the exclusive direction of the Minister in subordination to the Ecclesiastical Authority and laws of the Diocese.

SECTION 10. The order of priority for the presiding officer at Vestry Meetings shall be the same as is prescribed in Section one of this Canon.

SECTION 11. It shall be the duty of the Wardens, especially, to provide the elements for the Lord's Supper, to collect the alms at the administration of the same, to keep and disburse such alms in case the Church is destitute of a Minister, and while the Church is destitute of a Minister, to provide for the holding of public worship, and the instruction of the congregation, by occasional clerical services, or by lay-reading, as the circumstances may permit. Meetings of the Vestry may be called by the Rector, or, in his absence, at the request of a majority of members by the Senior Warden.

SECTION 12. Vacancies occurring in the Vestry during the year, may be filled by the remaining members. If the Vestry should become extinct or incapacitated for action by the death or resignation of its members, the Bishop may call a special Parish Meeting (giving due notice thereof) to elect a Vestry to serve till the second Monday in January next following; and, if the Parish shall refuse or neglect to assemble and elect a Vestry as herein provided, the Bishop, with the advice and consent of the Standing Committee may appoint three Trustees to take charge of the property of the Parish, and to exercise all the rights and functions of a Vestry, until the Parish shall elect a Vestry under the provisions of this Canon.

CANON XI

VACANT PARISHES

The filling of vacancies shall be governed in all particulars in accordance with the provisions of Canon XIX of the General Convention.

CANON XII

EXTINCT PARISHES

SECTION 1. Whenever, in the opinion of the Bishop, a Parish has failed in the purposes of its organization, he may report the case to the Convention.

SECTION 2. Whenever the Bishop and the Standing Committee think it advisable to call upon the Convention to declare any Parish extinct, before a vote is taken, the question, with all the evidence tending to prove or disprove the existence of the facts upon which declaration, under the law, must be founded, shall be referred to the Committee on Canons, and a report made by that Committee, on a day subsequent to the day of reference, recommending that the action should, in the opinion of the Committee, be taken by the Convention, accompanied by a written or oral statement of the evidence placed before the Committee. And if two-thirds of the members present vote in favor of declaring the Parish extinct, said Parish shall become and be extinct, and title to all of the property shall at once vest in the Trustees of the Diocese.

CANON XIII

PARISH REGISTERS AND REPORTS

SECTION 1. Every Minister of this Diocese shall keep a record of all Families, Baptisms, Confirmations, Marriages and Funerals within his cure, specifying the name, time, and place of birth, parents and sponsors of each person baptized; the time when persons became communicants under his charge, and whether by confirmation, transfer from some other Parish, or otherwise. This record shall be kept by the Minister in a suitable book, to be called the Parish Register, provided by and belonging to the Vestry of the Parish which he serves, which book shall be a part of the records of the Parish.

SECTION 2. Every Minister shall on, or immediately after, the first day of January of each year, present or send to the Bishop or to the Secretary of the Convention a report of his official acts, and a statement of the condition of the Parish or Mission under his charge, according to such forms as shall be furnished by the Ecclesiastical Authority of the Diocese, covering the Year ending December 31 of each year.

SECTION 3. It shall be the duty of each corporation in union with the Convention and of each organized Mission, to render, at such time and in such manner as may be required by the Convention, a true and faithful account of the real estate and other property owned by said Parish or Mission, with its fairly estimated value, and also a statement of any lien or encumbrance on the

same, or any part thereof, and the amount of interest paid in consequence of such lien or encumbrance. And further, it shall be the duty of each Parish, or Mission, to declare the full amount of the current expenditure of the Parish or Mission, and of all money expended for the same, in any way accruing including salaries and all other expenses.

CANON XIV

THE BISHOP AND COUNCIL

SECTION 1. The Bishop and Council, as hereinafter constituted, shall have charge of the development and prosecution of the work of Missions, Church Extension, Educational work under the care of the Diocese, Christian Social Service, and of such other work as may be committed to it by the Convention of the Diocese, and shall administer and carry on the same, subject however, to the provisions of the Constitution and Canons of the Diocese, and to the direction of the Convention. The Bishop shall be the executive head of all such work and the Council shall assist the Bishop in the administration thereof.

SECTION 2. The Bishop and Council shall exercise all the powers heretofore exercised by the Board of Managers for Diocesan Missions, Board of Religious Education, the Education Committee, Social Service Commission, and Finance Committee, and shall have charge of the unification, development and prosecution of work heretofore carried on by said Boards, Commissions and Committees, and also of the initiation and development of new work between the sessions of the Convention.

SECTION 3. The Bishop and Council (hereinafter called the Council) shall be composed of the Bishop and ten members to be elected annually by the Convention, of whom five shall be Priests canonically resident and having domicile in the Diocese, and five Laymen resident Communicants of the Church in the Diocese. The Bishop shall be President of the Council. In the absence of the Bishop the Council shall elect one of its members to preside.

SECTION 4. The Council shall have power to fill vacancies, in such elective membership, each member so chosen to serve until the expiration of the term for which his predecessor in office had been elected.

SECTION 5. Regular bi-monthly meetings of the Council shall be fixed by the Council. Special meetings may be called by its President. A majority of the members of the Council, one of whom may be the Bishop, shall constitute a quorum.

Absence from three consecutive meetings of the Council without cause made known to the Council shall be equivalent to a resignation, and the Council shall, by election, fill the vacancy.

SECTION 6. The Council shall organize, from the membership of the Council, the following Departments, and shall determine the scope of the work of each Department, and provide the manner and means by which the same shall be conducted:

- (1) Department of Missions and Church Extension;
- (2) Department of Religious Education;
- (3) Department of Christian Social Service;
- (4) Department of Finance;
- (5) Department of Publicity;

and such other Departments as from time to time the Council may deem expedient. Each Department shall have power to appoint, subject to confirmation by the Council, additional members of its Department, who shall have seats and votes in such Department but not in the Council. Each Department shall elect a Secretary, who shall keep a record of its proceedings and acts, and shall report in writing to each stated meeting of the Council the work done under its direction.

SECTION 7. The Council shall elect a Secretary, who shall perform such duties as shall be required of him by the Council. The Council shall fix his salary, if any, and provide suitable offices and the necessary equipment for the furtherance of his work.

SECTION 8. The Council shall submit to each annual meeting of the Convention a report of the work done under its supervision for the preceeding year, and a statement of the work it proposes to undertake during the ensuing year. This report shall be printed and a copy thereof sent to the Rector and Vestry of each Parish and to each Archdeacon and Missionary in the Diocese, at least ten days prior to the first day of the Convention.

SECTION 9.—(a) The Council shall, at least ten days before the first day of the annual meeting of the Convention, present to the Secretary of the Convention for the approval of and adoption by, the Convention, a budget for all work committed to it, and for such other work as it may propose to undertake with the approval of the Convention. Provision shall be made in said budget for the reasonable and necessary expenses of the officers and members of the Council. The Council shall be charged with the duty of raising, if possible, sums sufficient to meet its budget. The Council shall have power to expend all money provided in its budget, adopted by the Convention for the purpose therein specified.

Upon approval of the budget by the Convention, the Council shall apportion the total amount thereof amongst the Parishes and Missions of the Diocese, and it shall be the duty of every Parish and Mission to pay to the Treasurer such annual apportionment in monthly installments. The collection of such apportionments shall be looked after by the Council.

(b) In addition to the budget for the work of the Council, said Council shall submit a separate budget covering the expenses and obligations of the Convention. The amount of this budget, after approval by the Convention, shall be assessed upon the several Parishes and Missions of the Diocese. And it shall be the duty of each Parish and Mission to pay the amount of its annual assessment to the Treasurer of the Diocese in quarterly installments, and all sums received from such assessment shall be disbursed as directed by the Convention. It shall be the duty of the Council to assist the Treasurer in the collection of such assessments.

SECTION 10.—(a) The Council shall, within ten days after the adjournment of the annual meeting of the Convention, file with its Secretary a tentative apportionment, and with the Treasurer of the Diocese the assessments on the Parishes and Missions of the Diocese for the amounts to be provided under each budget, finally approved by the Convention; the Secretary shall thereupon promptly mail a copy of such tentative apportionments and the Treasurer such assessments, to the corporate authorities of every Parish and Mission in the Diocese. It shall be the duty of the Council to hear and consider all objections against and all petitions and requests filed with it regarding the said tentative apportionment and assessment, and it shall have power after due consideration to fix the same in such manner as it shall deem fair and equitable. Final apportionment and assessment shall be made within thirty days after the adjournment of the Convention.

(b) The apportionments and assessments when finally made shall be certified by the Secretary of the Council to the Treasurer of the Diocese, and the Treasurer shall regularly charge the apportionments and assessments against the several Parishes and Missions, crediting them with payments when made, and shall report annually the state of his accounts with each Parish and Mission, which report shall be entered on the Journal of the Convention.

SECTION 11. The Council shall have power to ask for such reports and assessments from every Parish, Mission, Church Educational School or Institution, and Church Orphanage or Home, which is under the control of the Diocese, as it may deem necessary, and such reports and statements shall be given when asked for by the Council.

SECTION 12. The council shall have power to continue the work and purpose of the Nation Wide Campaign, and it shall take over the work of the Nation Wide Campaign Committee of the Diocese.

SECTION 13. All salaries, other than those of the Bishop or those fixed by the Convention, shall be fixed by the Council.

SECTION 14. It shall be the duty of the Executive Council to make careful study of the opportunities for missionary, educational, and Christian Social work within the Diocese, and to devise ways and means for the proper performance of such work. It shall be the duty of the Executive Council to give general supervision of Diocesan or Mission Schools.

SECTION 15. All Missionaries and Archdeacons within the Diocese shall be appointed by the Bishop, but their stipends shall be fixed by the Council. The Bishop may suspend or remove them for cause satisfactory to himself, which cause shall be reported to the Council at its next meeting. The Bishop, with the concurrence of the Council, shall assign all Missionaries to their respective fields.

SECTION 16. No Missionary, Archdeacon, Principal or Teacher in any Educational Institution, or any other person whose salary or stipend is fixed by the Council, or who is employed by the Council, shall incur any pecuniary liability whatsoever in carrying on his or her work which shall be a charge against the Diocese, or the Council, or the property of any Parish, Mission, School or Institution, save and except on the written authority of the council.

SECTION 17. The Council shall meet and organize within ten days after each annual meeting of the Convention, and shall enter immediately upon the duties imposed upon it by Canon or by the Convention.

CANON XV

ORGANIZED MISSIONS

SECTION 1. A Mission Station, when adopted by the Ecclesiastical Authority and the Council, shall be duly organized by the appointment of a Missionary, who, with the consent and by the authority of the Council shall appoint a Warden, a Clerk, and a Treasurer of the Mission, charged with its temporal interests, which officers shall be reported by the Missionary-in-charge to the Council at its first meeting after the appointment, and the organization of the Mission shall date therefrom.

SECTION 2. Application for organization shall be made in the first instance to the Bishop in the following form:

Rt. Rev. and Dear Sir:—We, the undersigned, residents of -----, county of -----, Diocese of Western North Carolina, having built or secured a place of worship, and being desirous of obtaining the services of the Protestant Episcopal Church, and being ready, according to our ability, to sustain the same, do hereby request you to inquire into our state, and provide for us as you may deem proper and expedient. We do hereby declare ourselves, individually and collectively, ready to do what in us lies to

establish and sustain the regular work of the said Church, and promote its influence in our neighborhood; and we promise conformity to its doctrines, discipline, liturgy, rites, and usages. We put ourselves under your charge, and will reverently obey your authority. We promise conformity to the Constitution and Canons of the General Convention, and of the Diocese of Western North Carolina. In accordance with these obligations, we now ask the privilege of being organized as a Mission, under the name of -----."

SECTION 3. All property of a Mission Station shall be vested in the Board of Trustees of the Diocese.

SECTION 4. It shall be the duty of every Mission duly organized and of every Parish, which is aided by the Council, to pledge and to pay an annual sum, satisfactory to the Council, into its treasury in quarterly payments.

CANON XVI

CONVOICATIONS.

SECTION 1. The Diocese shall be divided by the Bishop into Convoications, not more than three in number, and the Clergy within the several Convoications with laity appointed by the Rectors and Ministers-in-charge from their Parishes and Missions, shall meet at such time and place as each Convoication may determine, or at the call of the Bishop or Dean of the Convoication.

SECTION 2. The officers of the Convoication shall be Dean, Secretary and Treasurer, who shall be elected annually by the Convention; the Dean shall be qualified for office when his appointment is approved by the Bishop.

SECTION 3. The Dean shall preside at all meetings of the Convoication, and shall superintend so much of the work of the Convoication as the Bishop may commit to his charge.

SECTION 4. The objects of the Convoication shall be: To devise plans for the extension of the Church within the limits of the Convoication; to afford an opportunity for the Clergy and the laity to come together for conference; to hold public services for discussions or religious topics of general interest.

SECTION 5. Each Convoication shall make an annual report through its Dean, to the Convention.

CANON XVII.

LAY READERS.

No one shall be considered as authorized to officiate as Lay Reader in this Diocese, except in case of particular emergency, without a written license from the Ecclesiastical Authority of the

Diocese, and Lay Readers shall in all cases conform to the provisions of Canon 25 of the General Convention.

CANON XVIII

THE TRIAL OF A PRESBYTER OR DEACON

SECTION 1. Whenever any Presbyter or Deacon of the Diocese shall be thought to be guilty of any misconduct, for which, according to Canon 26, of the General Convention, he is liable to be tried, application may be made in writing with the name of everyone engaged in the application subscribed, to the Standing Committee, and, if it appear to them that the evidence is sufficient to demand a trial, they shall forthwith present the Clergyman to the Bishop, accordingly; the presentment shall be made in writing, signed by a majority of the Standing Committee, and specify with as much accuracy as possible, the offence or offences, with particulars of time, place and circumstances; and every Clergyman in this Diocese, may, for himself, request of the Standing Committee, the inquiry provided for in this section, in which case it shall be instituted, and shall proceed according to the provisions of this Canon.

SECTION 2. There shall be elected triennially, by ballot, by the Convention, from the Presbyters entitled to seats, not members of the Standing Committee, five, who shall be a Court for the trial of Presbyters or Deacons. No ballot shall have more than three names thereon, and the five having the largest number of votes shall be the Court. Vacancies may be filled by the Standing Committee, subject to the approval of the next Convention, by a vote of three-fourths of the members present. The member of the Court of longest continuous canonical residence in the Diocese shall be its President.

SECTION 3. Said members of said Court, chosen as aforesaid, shall, for each and every trial and case that may be brought before them, appoint some person learned in law who is a communicant of this Church and a citizen of North Carolina, their legal adviser, who shall sit with them on such trial case, and shall advise said Court upon all questions of law, both civil and ecclesiastical, and as to all rules and forms of procedure. Said legal adviser may preside at the request of the Court, or the Court may at its option elect any one of its members to preside during the trial. Before entering upon the trial of any Minister who shall have been duly presented for trial under this Canon, or pending any such trial, and with the approval, in all cases, of the Bishop of the Diocese, said Court shall be authorized as a Court of Conciliation to adjust and dispose of the matter so presented amicably, and without any public trial, in case, in their judgment, it shall be advisable to do so, and with the approval of the Bishop, as aforesaid.

And in case of such amicable adjustment, a certificate thereof, signed by the President of the Court, approved by the Bishop, shall be sent to the Standing Committee.

SECTION 4. A written notice of the time and place of the first meeting of the Court for any trial, with a copy of the presentment, shall be served at least thirty days before such meeting, on the accused; and also notice of time and place of meeting on the Standing Committee; who, by their President, or one of their members whom they may appoint for the purpose, shall prosecute the case, and present such oral or documentary evidence to substantiate the accusation, as they may be able to obtain.

SECTION 5. If, at the time of the first meeting of the Court, the whole number be not present, then those present may adjourn from time to time; and shall appear that the whole number will attend within a reasonable time, those who do attend, not being fewer than three, shall proceed to trial and a majority shall decide all questions; but a majority of the whole Court shall be required to render final judgment.

SECTION 6. If a Clergyman shall, before the Court meets, confess the truth of the facts of which he is accused, the Bishop may immediately proceed to pass sentence; otherwise the accused shall be considered as pleading not guilty.

SECTION 7. In case a Clergyman presented and notified as above directed shall not appear before the Court appointed for his trial, the Court may proceed as if he were present; unless they shall see fit to adjourn till another day. And if the accused shall neglect or refuse to appear before the Court, after due presentment and notification, and no sufficient reason for such neglect or refusal be given, the Court shall report him to the Bishop for contumacy, and sentence of suspension from the Ministry shall pass against him accordingly; but the sentence may be reversed by the Bishop, if, within three calendar months, the accused shall tender himself ready, and accordingly appear and receive his trial; but, if he shall not so tender himself, the Bishop, in view of the acts alleged in the presentment, shall proceed, if he thinks proper, to pronounce sentence of degradation from the Ministry.

SECTION 8. The Court shall choose a Secretary, who shall be from their own number, or otherwise, as they determine, and before proceeding to trial, they shall adopt and declare the rules by which the trial shall be conducted; provided, however, that both parties may employ and be represented in such trial by counsel, not exceeding two for each, who shall be communicants of this Church, and citizens of North Carolina.

SECTION 9. When the Court proceed to trial, they shall hear such evidence as may be produced; and all oral evidence shall be reduced to writing by the Secretary and signed by the witnesses respectively; and some officer, authorized by the law to administer oaths, may, at the desire of either party, be requested to administer an oath or affirmation to the witnesses; and the examination of the witnesses and all the proceedings of the trial shall be in public, if desired by the accused.

SECTION 10. Any Presbyter who shall, without sufficient excuse, refuse or neglect to act as Trier or Church Advocate, or any clerical or lay communicant who shall, without sufficient excuse, refuse or neglect to testify as a witness when duly appointed or summoned, under the Canon, shall be regarded and may be dealt with as any other violator of the laws of the Church.

SECTION 11. Application being made to the Bishop by either party setting forth, satisfactorily, that any material witness cannot be procured upon the trial, the Bishop may appoint some Clergyman or layman to act as a Commissioner to take the testimony of such witness; and the party applying as above shall give to the other party at least five days' notice of the time and place of taking the testimony; or such longer notice as the Bishop may, in writing, direct. And both parties may attend and examine the witness, and the questions and answers shall all be reduced to writing, and signed by the witness, and shall be certified by the Commissioner, and enclosed under his seal, and transmitted to the Court, and received by them as evidence. A witness examined before such a Commissioner may be sworn or affirmed in manner aforesaid.

SECTION 12. The Court, after considering the evidence, shall declare, in a writing signed by them, or a majority of them, their decision on the charges contained in the presentment, distinctly stating whether they find the accused guilty or not guilty of such charges, respectively; which decision, together with the evidence and an attested record of all the proceedings, shall be delivered to the Bishop, accompanied by an opinion of the Court as to what sentence should be pronounced; whereupon the Bishop shall pronounce such sentence as shall appear to him to be proper; provided the same do not exceed in severity the sentence recommended by the Court, and such sentence shall be final. But the Bishop, if satisfied that justice require it, may give a new trial to the accused, in which case the proceedings shall be conducted as before provided.

SECTION 13. If the Bishop of the Diocese be connected by consanguinity or affinity with the party accused, he may request some other Bishop, from one of the adjoining dioceses, who is not

connected by consanguinity of affinity with the party accused, to express his judgment on the decision of the Court, to which judgment the Bishop of the Diocese shall conform in passing sentence or granting a new trial. And if the Diocese be vacant, the members of the Standing Committee shall request the services of such Bishop as they may find most convenient, for the performance of all such acts as are, by this Canon, required to be done by the Bishop of the Diocese.

CANON XIX

THE DISSOLUTION OF THE PASTORAL RELATIONS

All differences between Ministers and their congregations shall be determined according to the provisions of Canon 41 of the General Convention.

CANON XX

REGULATIONS RESPECTING THE LAITY

All regulations respecting the removal and repulsion of communicants shall be in accordance with the provisions of Canon 43 of the General Convention.

CANON XXI

THE SUSPENSION OF A PARISH

SECTION 1. Among the causes for which a Parish may be dealt with under Article IX of the Constitution, are the following:

1. Employing a Clergyman under Ecclesiastical censure.
2. Permitting a Church edifice to be used for purposes incompatible with its consecration.
3. Failure to pay reasonable assessments.
4. A failure to report its true financial condition when called for.
5. Any persistent course inconsistent with the doctrine, discipline or worship of this Church.

SECTION 2. No Parish shall have its connection with the Diocese wholly dissolved under Article IX of the Constitution, until the alleged delinquency shall have been carefully investigated by a committee of Laymen, after due notice to the Parish. The action of the Convention shall be upon the report of such committee.

CANON XXII

THE SOLEMNIZATION OF MATRIMONY

In the solemnization of matrimony, Ministers shall be governed by the provisions of Canon 42 of the General Convention.

CANON XXIII.

THE CHURCH PENSION FUND

SECTION 1. In conformity with the legislation adopted by the General Convention of 1913, setting forth the principles upon which a pension system for the Clergy of the Church and their dependents should be constructed, pursuant to which the corporation, The Church Pension Fund, has been created to carry these principles into effect, the Diocese of Western North Carolina adopts the system of the Church Pension Fund.

SECTION 2. The Bishop shall appoint, annually, a committee on the Church Pension Fund, to consist of two clergymen and three laymen. The duties of the committee shall be as follows.

1. To furnish annually to the Church Pension Fund a list of the clergy canonically resident in the Diocese, and of the clergy canonically resident in other Dioceses or Missionary Districts licensed to officiate in this Diocese, with a statement of the stipends received by each of said clergymen from any Parish or Mission in this Diocese or other organization in this Diocese which either is subject to this Convention, or being engaged in religious or charitable work as a Church institution elects to come into the Church Pension Fund.

2. To receive from the Church Pension Fund annually a statement of the premiums necessary to be paid by each of said Parishes, Missions, or other organizations in order that the clergymen in receipt of stipends from them may be entitled respectively to pensions.

3. To inform the authorities of each of the said Parishes, Missions and other organizations of the premiums payable by them, and of the time and manner of payment thereof.

4. To elect a Treasurer who may or may not be a member of the said committee, who shall be required to give a bond satisfactory to the committee, and whose duty it shall be to receive from all of the Parishes, Missions and other organizations, the afore-said premiums and to transmit the same to the Treasurer of the Church Pension Fund.

5. To inform the Church Pension Fund from time to time of the clergy and the widows and minor orphans of clergy, who may be entitled in respect of this Diocese to receive pensions from the Church Pension Fund.

6. In general, to inform the clergy and laity of the Diocese of the pension system created by the General Convention, and committed to it by the operation of the Church Pension Fund, whereby the clergy of the Church are assured of pensions, as of right to themselves in the event of old age, or disability, and in the event

of death, to their widows and minor orphans, and to do all things that may be necessary or advisable in the premises to the end that the moneys necessary to be paid by the Parishes, Missions, and other ecclesiastical organizations may be fully and systematically paid.

SECTION 3.—(1) It shall be the duty of the Treasurer of the Diocese to pay to the Committee on the Church Pension Fund the premiums payable on behalf of the Bishop of the Diocese, and also of the Coadjutor Bishop and the Bishop Suffragan, if there be such.

(2) It shall also be the duty of the Bishop and Council to pay to the Committee of the Church Pension Fund the premiums payable on account of all stipends received by the clergymen from said Board.

(3) It shall be the duty of the Committee on Diocesan Finances to authorize the Treasurer of the Convention to pay, annually to the said Committee on the Church Pension Fund, the premiums payable on account of all stipends paid by the Diocese to clergymen other than those specified in the two preceeding clauses, and to make all necessary arrangements to provide for the cost of such premiums.

SECTION 4. It shall be the duty of every clergyman as aforesaid receiving a stipend or stipends, and the duty of every Parish, Mission or other organization as aforesaid paying a stipend or stipends, to furnish a statement of such stipend or stipends to the Committee on the Church Pension Fund whenever said Committee shall, in writing, ask for such statement.

CANON XXIV.

ALTERATIONS IN THE CANONS

SECTION 1. No proposition to alter or add to the Canons of the Diocese shall be considered by the Convention, except at a stated meeting and after one day's notice of the proposed alteration, given in open Convention; nor (unless by unanimous consent) until it shall have been reported on by the Committee on Canons of the Diocese.

CANONS OF THE GENERAL CONVENTION REFERRED TO
IN THE CANONS OF THE DIOCESE OF WESTERN
NORTH CAROLINA

CANON 19

THE FILLING OF VACANT CURES

§ 1. When a Parish or Congregation becomes vacant, the Church Wardens or other proper officers, shall notify the fact to the Bishop. If the authorities of the Parish shall for thirty days have failed to make provision for the services, it shall be the duty of the Bishop to take such measures as he may deem expedient for the temporary maintenance of Divine services therein.

§ II. No election of a Rector shall be had until the name of the Clergyman whom it is proposed to elect has been made known to the Bishop, if there be one, and sufficient time, not exceeding thirty days, has been given to him to communicate with the Vestry thereon.

§ III. Written notice of the election, signed by the Church Wardens, shall be sent to the Ecclesiastical Authority of the Diocese. If the Ecclesiastical Authority be satisfied that the person so chosen is a duly qualified Minister, and that he has accepted the office, the notice shall be sent to the Secretary of the Convention, who shall record it. And such record shall be sufficient evidence of the relation between the Minister and the Parish.

§ IV. A Minister is settled for all purposes here or elsewhere mentioned in these Canons, who has been engaged permanently by any Parish according to the rules of this Diocese, or for any term not less than one year.

§ V. In case of an election of an assistant Minister, a certificate from the Rector and Wardens shall be sent to the Bishop.

CANON 25

LAY LEADERS

§ I. A competent person ready and desirous to serve the Church in the public services statedly as a Lay Reader, must procure from the Bishop or Ecclesiastical Authority of the Diocese or Missionary District a written license. Such license shall not be granted to any but a male communicant of this Church, and must

be given for a definite period, not longer than one year, but may be renewed from time to time, or revoked at any time. Such license may be given for any vacant Parish or Mission, or for a congregation without a minister, but where a Presbyter is in charge, his request and recommendation must have been previously signified to the Ecclesiastical Authority. A license shall not be granted for conducting the service in a congregation without a Minister, which is able and has had reasonable opportunity to secure the services of an ordained Minister. If the Lay Reader be a student in any Theological Seminary, he shall also, before acting as such, obtain the permission of the presiding officer of such institution and of his own Bishop.

§II. A Lay Reader shall be subject to the regulations prescribed by the Ecclesiastical Authority, and shall not serve in any Diocese other than that in which he is licensed, unless he shall have received a license from the Bishop of the Diocese in which he desires to serve.

§ III. In all matters relating to the conduct of the service, and to the Sermons or Homilies to be read, he shall conform to the direction of the Minister in charge of the Parish, congregation, or Mission in which he is serving, and, in all cases, to the directions of the Bishop. He shall read only the Morning and Evening Prayer (omitting the Absolution), the Litany, and the office for the Burial of the Dead. He shall not deliver sermons or addresses of his own composition, unless, after instruction and examination, he be specially licensed thereto for urgent needs by the Bishop. He shall not wear the dress appropriate to Clergymen ministering in the congregation.

CANON 41

THE DISSOLUTION OF THE PASTORAL RELATIONS

§ I. A Rector may not resign his Parish without the consent of said Parish, or its Vestry, or its Trustees, whichever may be authorized to act in the premises, nor may any Rector or Minister canonically or lawfully elected in charge of any Parish be removed therefrom by said Parish, Vestry, or Trustees, against his will, except as hereinafter provided.

§II. If for any urgent reason a Rector or Minister as aforesaid, or the Parish committed to his charge, its Vestry or Trustees, shall desire a separation or dissolution of the pastoral relation, and the parties be not agreed respecting such separation and dissolution, notice in writing may be given by either party to the Ecclesiastical Authority of the Diocese or Missionary District. The Bishop, in case the difference be not settled by his godly judgment, or if he

decline to consider the case without counsel, may ask the advice and consent of the Standing Committee of the Diocese or of the Council of Advice of the Missionary District, and, proceeding with its aid and counsel, shall be the ultimate arbiter and judge. If the Diocese or Missionary District be vacant, the Ecclesiastical Authority shall select a Bishop of an adjacent Diocese or Missionary District to act as the Bishop, and with like force and affect. The judgment shall be either that the pastoral relation between the parties shall cease and determine at a time and upon terms therein specified, or that the said relation shall not be terminated; and it shall be the duty of both parties to submit to and abide by such judgment, the penalty for such refusal and the further proceedings in the case shall be those provided by the Constitution and Canons of the Diocese or Missionary District in which such Parish is situated.

§ III. In case of the regular and canonical dissolution of the connection between a Rector or Minister and his Parish, under this Canon, the Ecclesiastical Authority shall direct the Secretary of the Convention to record the same.

§ IV. This Canon shall not apply in any Diocese or Missionary District which has made, or shall hereafter make, provision by Canon upon this subject, nor in contravention of any right of any Rector, Minister, Parish, Congregation or Vestry under the law of the Civil Authority.

CANON 42

THE SOLEMNIZATION OF MATRIMONY

§ I. Ministers of this Church shall be careful to secure the observance of the law of the State governing the civil contract of marriage in the place where the service shall be performed.

§ II. [i] No Minister shall solemnize a marriage except in the presence of at least two witnesses.

[ii] Every Minister shall without delay formally record in the proper register the name, age, and residence of each party. Such record shall be signed by the Minister who solemnizes the marriage, and, if practicable, by the married parties, and by at least two witnesses of the marriage.

[iii] No Minister, knowingly after due inquiry, shall solemnize the marriage of any person who has been or is the husband or wife of any other person then living, from whom he or she has been divorced for any cause arising after marriage. But this Canon shall not be held to apply to the innocent party in a divorce for adultery; *Provided*, that before the application for such re-marriage a period of not less than one year shall have elapsed, after

the granting of such divorce; and that satisfactory evidence touching the facts in the case, including a copy of the Court's Decree, and Record, if practicable, with proof that the defendant was personally served or appeared in the action, be laid before the Ecclesiastical Authority, and such Ecclesiastical Authority, having taken legal advice thereon, shall have declared in writing that in his judgment the case of the applicant conforms to the requirements of this Canon; and *Provided*, further, that it shall be within the discretion of any Minister to decline to solemnize any marriage.

§ III. If any minister of this Church shall have reasonable cause to doubt whether a person desirous of being admitted to Holy Baptism, or to Confirmation, or to the Holy Communion, has been married otherwise than as the Word of God and discipline of this Church allow, such Minister, before receiving such person to these ordinances, shall refer the case to the Bishop for his godly judgment thereupon; *Provided, however*, That no Minister shall in any case refuse these ordinances to a penitent person in imminent danger of death.

CANON 43

REGULATIONS RESPECTING THE LAITY

§ I. [i] A communicant in good standing, removing from one Parish or Congregation to another, shall be entitled to receive and shall procure from the Rector or Minister of the Parish or Congregation of his or her last residence, or, if there be no Rector or Minister, from one of the Wardens, a certificate stating that he or she is duly registered or enrolled as a communicant in the Parish or Congregation from which he or she desires to be transferred, and the Rector or Minister or Warden of the Parish or Congregation to which such communicant may remove shall enroll him or her as a communicant when such certificate is presented, or, on failure to produce such certificate through no fault of such communicant, upon other evidence of his or her being such a communicant, sufficient in the judgment of said Rector or Minister. Notice of such enrollment in such Parish or Congregation to which such communicant shall have removed, shall be sent by the Rector or Minister thereof to the Rector of the Parish from which the communicant is removed.

§ II. When a person to whom the sacraments of the Church have been refused, or who has been repelled from the Holy Communion under the Rubrics, shall lodge a complaint with the Bishop, it shall be the duty of the Bishop, unless he see fit to require the person to be admitted or restored because of the insufficiency of the

cause assigned by the Minister, to institute such an inquiry as may be directed by the Canons of the Diocese or Missionary District, and shall proceed according to such principles of law and equity as will insure an impartial decision, but no Minister of this Church shall be required to admit to the Sacraments a person so refused or repelled without the written direction of the Bishop.

The Sacraments shall not be refused in any case to a penitent person at the point to die.

Diocese of Western North Carolina

RULES OF ORDER

Rule I.—The order of proceedings shall be as follows:

FIRST DAY

(1.) The Convention shall meet at 9 o'clock, a. m., for Morning Prayer and organization.

(2.) The Secretary of the preceding Convention, if present—if not, some other person appointed by the Chair—shall call the names of Clergy entitled to seats (Const., Art. II) and enter on the minutes the names of those present.

(3.) The Secretary shall call the names of Lay Delegates as entered upon the list provided for by Canon 2 of the Canons of the Diocese, subject to such corrections as may be based on the list of delinquent Parishes to be sent by the Treasurer of the Diocese to the Secretary on the day before the meeting of the Convention, and shall enter on the minutes the names of those present, after which the President shall declare the Convention organized for business.

(4.) The President shall appoint a Committee on Credentials, consisting of one Clergyman and two Laymen, to receive, examine and report upon the Credentials of Lay Delegates, and to revise the Secretary's list of the same. And the Treasurer of the Diocese shall report to such Committee a list of the Parishes which are in arrears for Diocesan assessments, and no Delegate shall be reported by such Committee as entitled to a seat in the Convention from any Parish reported by such Treasurer as in arrears, until such Treasurer shall have made further report to such Committee that such Parish is no longer in arrears. In case the alternate Delegates claim the rights to seats in the Convention, the fact must be made known to the Committee on Credentials, who shall report thereon; and the persons reported by that Committee, as entitled to seats (not exceeding three from each Parish,) whether regulars or alternates, shall if the Convention approve such report, be entered upon the roll of the Secretary as properly accredited Delegates.

(5.) At 10:30 a. m., a recess shall be taken for the celebration of the Holy Communion, at which time the Annual Address of the Bishop shall be delivered.

(6.) The Committee on Credentials shall next report on the application (if any) of new Parishes for admission to the Convention (Canon 8 of the Diocese); and when received, the Secretary shall call and enter on the minutes the names of the Lay Delegates representing said Parishes.

(7.) The election by ballot of a Secretary, who shall have power to appoint an Assistant.

(8.) Appointment by the President of a Committee on Unfinished Business, consisting of one Clergyman and one Layman.

(9.) Appointments by the President to fill any vacancies existing in the Committee on Canons, or in the Committee on Finance, appointed by the preceding Convention.

(10.) Report of Deans of Convocations.

(11.) Report of Archdeacon of the Diocese.

(12.) Report of the Abstract of Proceedings of the Standing Committee of the Diocese.

(13.) Report of the Committee on Unfinished Business.

(14.) Report of Special Committees of last Convention.

(15.) Report of the Council.

(16.) Report of Finance Department.

(17.) Report of Missionary Department.

(18.) Report of Educational Department.

(19.) Report of Committee on Canons, on matters referred to it by previous Convention.

(20.) Report of Finance Committee on Assessments.

(21.) Report of the Treasurer of the Diocese.

(22.) Election, by ballot, of the Treasurer of the Diocese.

(23.) Report of the Committee on Canons on new business.

(24.) Report of Secretary of the Board of Trustees of the Diocese.

(25.) Report of Treasurer of the Board of Trustees of the Diocese.

(26.) Motions, resolutions and miscellaneous business.

(27.) A public Missionary meeting for promoting the objects of the Missionary and Educational interests of the Diocese.

SECOND DAY

After Divine Service, the order of business shall be as follows:

(28.) Reading and approving the minutes.

(29.) Supplementary report of the Committee on Credentials.

(30.) Election, by ballot, of—

i. The Council.

ii. Deputies and Provisional Deputies to the General Convention triennially, and to the Synod of Sewanee.

iii. One Trustee of Diocese.

iv. Members of the Ecclesiastical Court (triennially).

v. Trustee for Sewanee.

vi. Trustee for St. Mary's.

vii. Registrar of the Diocese (triennially).

(31.) Report of Special Committees of this Convention.

(32.) Appointment by the President of the following Diocesan Committees, to continue until the close of the next Annual Convention:

i. A committee on Canons, to consist of two Clergymen and two Laymen, to whom shall be referred all matters pertaining to the Constitution and Canons, and all questions of ecclesiastical law which may arise during the sessions of the Convention.

ii. Other committees required by Canon.

(34.) The disposal of any unfinished business.

Rule II.—When the President takes the Chair, no member shall continue standing, or shall afterwards stand, unless to address the Chair.

Rule III.—No member shall absent himself from the services of the House, unless he have leave, or be unable to attend.

Rule IV.—Whenever any member is about to speak in debate, or deliver any matter to the Convention, he shall rise from his seat, and with due respect, address himself in an audible voice to the President, confining himself strictly to the point in debate.

Rule V.—No member shall speak more than twice in the same debate, without leave of the house.

Rule VI.—While the President is putting any question, the members shall continue in their seats, and not hold any private discourse.

Rule VII.—Every member present shall vote when a question is put, unless excused by the Convention; and, on a vote by orders, the name of the Presiding Officers shall be called last.

Rule VIII.—When a question is under consideration, no motion shall be made, unless to lay it upon the table, to postpone it indefinitely, to postpone it to a certain time, to commit it, to amend it, or to divide it, and motions for any of these shall have precedence in the order herein named.

Rule IX.—A motion to lay on the table shall be decided without debate.

Rule X.—A motion to adjourn shall always be in order, and, if unqualified, shall be decided without debate.

Rule XI.—No motion shall be considered as before the House, unless it be seconded, and reduced to writing.

Rule XII.—A question, being once determined, shall stand as the judgment of the Convention, and shall not again be considered during the same session; but a question, being decided, may be reconsidered with the consent of two-thirds of the members present, on a motion to that purpose by one of the majority on the first decision.

Rule XIII.—All Committees shall be appointed by the President, unless otherwise ordered.

Rule XIV.—The reports of all committees shall be in writing, and shall be entered upon the minutes, unless otherwise ordered. If recommending or requiring action or expression of opinion by the Convention, they shall be accompanied by a resolution or resolutions for its considerations.

Rule XV.—All questions of order shall be decided by the President, in the first instance; but any member may appeal from such decision, and on such appeal no member shall speak more than once without leave of the Convention.

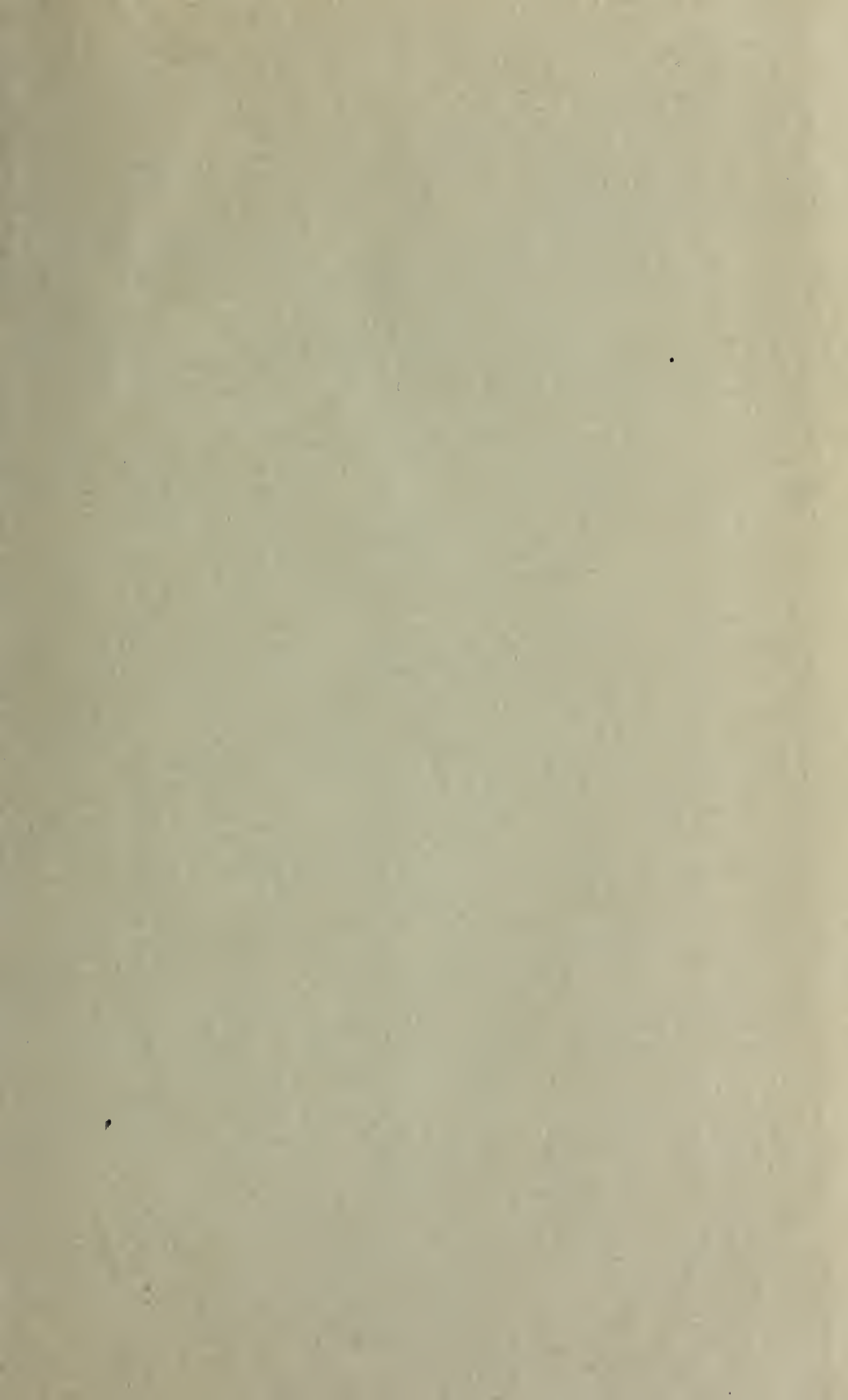
Rule XVI.—Clergymen of the Protestant Episcopal Church not entitled to seats, and candidates for Holy Orders in this Diocese, shall be admitted to the sittings of the Convention, and their names entered on the Journal, on reporting themselves to the Secretary, but without the right of taking any part in the proceedings.

Rule XVII.—Before the final adjournment of the Convention, the minutes of the last day's proceedings shall be read, corrected, if necessary, and approved.

Rule XVIII.—The Rules of Order may be suspended by a vote of two-thirds of all the members present.

Rule XIX.—The above shall be the Rules of Order for all future Conventions of this Diocese, unless altered or rescinded.

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